

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :	Patrick Miles et al.	Art Unit :	3739
Serial No. :	12/428,081	Examiner :	Unknown
Filed :	April 22, 2009	Conf. No. :	8212
Title :	SURGICAL ACCESS SYSTEM AND RELATED METHODS		

**MAIL STOP AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Please consider the references listed on the enclosed PTO-1449 form. Foreign patent documents and non-patent literature are enclosed; cited U.S. patents and patent application publications will be provided on request.

Under 35 USC §120, this application relies on the earlier filing date of application serial number 10/608,362, filed on June 26, 2003, now U.S. Patent 7,582,058. Copies of references 1-169, 208-218, and 223-259 were submitted to and/or cited by the Office in the prior application and, therefore, are not provided herewith. Copies can be provided upon request.

Applicants wish to remind the Examiner of the reexamination of the issued parent patent related to the present case and a second reexamination of a co-owned patent so as to facilitate the examiner's analysis:

Control Number

95/001,202

95/001,247

Filing Date

June 23, 2009

October 27, 2009

It is believed that the Examiner has full on-screen access to each of the Reexam Requests, Office Actions, Third Party Comments, and other materials in each of the aforementioned cases via the Patent Office's PALM system. Courtesy copies of such Office Actions or any other materials from the aforementioned cases can be provided upon request. The Examiner is invited to contact the undersigned attorney with any questions.

**CERTIFICATE OF MAILING BY EFS-WEB FILING**

I hereby certify that this paper was filed with the Patent and Trademark Office using the EFS-WEB system on this date: January 29, 2010

Applicant : Patrick Miles et al.  
Serial No. : 12/428,081  
Filed : April 22, 2009  
Page : 2 of 2

Attorney's Docket No.: 023US2

This statement is being filed within three months of the filing date of the application or before the receipt of a first Office Action on the merits. Apply any charges or credits to Deposit Account No. 50-2040.

Respectfully submitted,

Date: January 29, 2010

/Rory Schermerhorn/  
Rory Schermerhorn  
Reg. No. 58,148

**PTO Customer No. 30328**

NuVasive, Inc.  
c/o CPA Global  
P.O. Box 52050  
Minneapolis MN 55402  
Telephone: (858) 909-1845  
Facsimile: (858) 909-2007